

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

January 20, 1999

DIVISION TWO

B118857 People (Not for Publication)
v.
Rodriguez

The Court:

The judgment is affirmed.

Boren, P.J., Nott, J., Zebrowski, J.

DIVISION THREE

Court convened at 10:30 A.M.

Present: Klein, P.J., Kitching, J., Aldrich, J., and S. Veverka, Deputy Clerk.

Each of the following:

B127379 Concepcion Z. v. S.C.L.A.
B114594 People v. Loveall
B119636 In Re James Andrew Loveall on Habeas Corpus
B119453 People v. Hill
B123569 In Re Julian Gerard Hill on Habeas Corpus
B118693 People v. Benavides
B122661 In Re Will Benavides on Habeas Corpus
B118681 People v. Dubner
B127270 Eusebio V. and Christine M. v. S.C.L.A.

Argument waived, cause submitted.

DIVISION THREE (Continued)

B119108 People
 v.
 Nathan Thomas

Merits:

Argued by Wendy J. Phillippay for appellant and by Noah Hill,
Deputy Attorney General for respondent. Cause submitted.

Court recessed at 10:46.

The Court reconvened at 1:30 P.M.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J., and S. Veverka, Deputy
Clerk.

Each of the following:

B121425 Desmond v. Heritage Escrow Services of Long Beach
B108687 County of Los Angeles v. Juan F.
B124507 County of Los Angeles v. Diana S.
B112962 People v. Oliver
B115930 People v. Philemon Leon Y.
B114887 People v. Whitaker
B118927 People v. Garcia

Argument waived, cause submitted.

B111019 People
 v.
 Maria Brown

Merits:

Argued by Elizabeth A. Courtenay for appellant and by Richard B.
Cullather, Deputy Attorney General for respondents. Cause
submitted.

DIVISION THREE (Continued)

B120383 People
 v.
 Jose Rocha

Merits:
Argued by Patrick Dunlevy for appellant and by Michael Wise,
Deputy Attorney General for respondent. Cause submitted.

B122694 Rosales
 v.
 Depuy Ace Medical Company

Merits:
Argued by Benjamin Goldman for respondent and by William J.
Cleary for appellant. Cause submitted.

B120261 Estate of Frieda Schmid
 v.
 Roberta Council
 Larry J. Monteilh

Merits:
Argued by Allan W. Wallace for appellant and by David Skjeiev,
Deputy County Counsel for respondent. Cause submitted.

B115744 Hodges
 v.
 Advance Funding Corporation
 Buffy Lyn Roney

Merits:
Argued by Buffy Lyn Roney, appellant in propia persona and by
Nichele Jackson for respondent. Cause submitted.

DIVISION THREE (Continued)

B118941 Potesman
B122118 v.
Levine Cooper Spiegel & Company

Merits:
Argued by Bruce Lurie for appellant and by Jules S. Zeman for respondent. Cause submitted.

Court adjourned at 3:15 P.M.

B117060 Rev. Eugene R. Berry,
as Paster & Corp. Sole, etc. (Certified for Publication)
v.
Society of Saint Pius X, a religious copr. Peter Scott, et al.

The judgment is affirmed. Each party to bear respective costs on appeal.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION FOUR

B122567 Lithographix Inc. (Not for Publication)
v.
Ali et al.

The appeal of the Alis is dismissed. Monetary sanctions are imposed against the Alis and their attorney, Marvin D. Applebaum, jointly and severally, in the amount of \$9,021. Pursuant to Business and Professions Code section 6086.7, subdivision (c), the Clerk of this Court is directed to notify the State Bar of California of the monetary sanction against Mr. Applebaum.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

January 20, 1999-Continued

DIVISION FOUR (Continued)

[illegible]

The Court:

For the foregoing reasons, the judgment is affirmed.

Vogel (C.S.), P.J., Hastings, J., Curry, J.

[illegible]

The Court:

For the foregoing reasons, we modify the judgment to impose and suspend a fine in the sum of \$500 pursuant to Penal Code section 1202.45 and, as modified, affirm. The Superior Court is directed to prepare an amended Abstract of Judgment which reflects the fine imposed pursuant to Penal Code section 1202.4 and the fine imposed and suspended pursuant to Penal Code section 1202.45.

Epstein, Acting P.J., Hastings, J., Curry, J.

B119666 People (Not for Publication)
v.
Neal

The Court:

For the foregoing reasons, we modify the judgment to impose a fine in the sum of \$200 pursuant to Penal Code section 1202.4, subdivision (b) and to impose and suspend a \$200 fine pursuant to Penal Code section 1202.45 and, as modified, affirm the judgment. The Superior Court is directed to prepare an amended Abstract of Judgment which reflects the fine imposed pursuant to Penal Code section 1202.4 and the fine imposed and suspended pursuant to Penal Code section 1202.45.

Epstein, Acting P.J., Hastings, J., Curry, J.

January 20, 1999-Continued

DIVISION FOUR (Continued)

[illegible]

The judgment is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

B113360 People (Not for Publication)
v.
Gonzalez

The Court:

The judgment is affirmed.

Vogel (C.S.), P.J., Epstein, J., Hastings, J.

B121883 Los Angeles County, D.C.S. (Not for Publication)
v.
Roy L.

The judgment (order of visitation) is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
 Epstein, J.

January 20, 1999-Continued

DIVISION FOUR (Continued)

B126029 Liliana M. (Not for Publication)
v.
Superior Court, Los Angeles County
(Los Angeles County Department of Children and Family
Services et al., r.p.i.)

The petition for a writ of mandate is denied.

Vogel (C.S.), P.J.

We concur: Hastings, J.
Curry, J.

DIVISION SIX

B124153 People (Not for Publication)
v.
Sintic

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, Acting P.J.
 Coffee, J.

B123799 People (Not for Publication)
v.
Crist

The judgment is affirmed.

Gilbert, Acting P.J.

We concur: Yegan, J.
Coffee, J.

January 20, 1999-Continued

DIVISION SIX (Continued)

B121327 People (Not for Publication)
v.
Espinoza

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, Acting P.J.
 Yegan, J.

B126284 People (Not for Publication)
v.
Turner

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, Acting P.J.
 Yegan, J.

B124158 People v. Gledhill (Not for Publication)

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, Acting P.J.
 Yegan, J.

January 20, 1999-Continued

DIVISION SIX (Continued)

B109965 People (Not for Publication)
v.
Thompson

The case is remanded with directions to the trial court. If the in camera review does not reveal discoverable information, the judgment entered following appellant's conviction shall be affirmed. If the trial court determines that discoverable information exists, the trial court shall grant the requested discovery and grant a new trial.

Burke, J. (Assigned)

We concur: Gilbert, Acting P.J.
 Stone, J. (Assigned)

B119655 People (Not for Publication)
v.
John V.

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, Acting P.J.
 Burke, J. (Assigned)

B119739 County of Ventura (Not for Publication)
v.
Eagle Star Insurance Company

The judgment is reversed. Costs to County.

Yegan, J.

We concur: Gilbert, Acting P.J.
 Burke, J. (Assigned)

January 20, 1999-Continued

DIVISION SIX (Continued)

B118285 People
v.
Macauley

Filed order granting rehearing on the court's own motion.

DIVISION SEVEN

B115886 Howard Contracting, Inc.
v.
G.A. Mac Donald Construction Co., Inc
Soil Retention Systems, Inc.

Filed order modifying opinion. (No change in the judgment)

B117635 People (Not for Publication)
v.
Hale

The judgment is affirmed.

Woods, J.

We concur: Lillie, P.J.
Neal, J.

B116589 Jones (Not for Publication)
v.
Hines, et al.

The judgment is affirmed.

Woods, J.

We concur: Johnson, Acting P.J.
Neal, J.

DIVISION SEVEN (Continued)

B113519 People (Not for Publication)
v.
Rivera

The judgment is modified to strike the present condition of probation requiring payment of the victims "psychiatric care and treatment," and to enter a new condition of probation that appellant will pay restitution to the victims for psychiatric care and treatment in an amount to be determined by the court as soon as possible after ascertainment by the probation officer. As modified, the judgment is affirmed.

Woods, J.

We concur: Johnson, Acting P.J.
 Neal, J.

B119386 McCallister (Not for Publication)
v.
Bd. of Retirement of the L.A. Co.
Employees Retirement Assn.

The judgment is affirmed.

Woods, J.

We concur: Lillie, P.J.
 Neal, J.

B116270 Salzwedel (Not for Publication)
v.
CSU Northridge, et al.

The judgment is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.
 Neal, J.

DIVISION SEVEN (Continued)

[illegible]

The conviction is affirmed and the judgment is modified by striking the prior prison term enhancements imposed under section 667.5, subdivision (b) and by imposing an additional \$200 restitution fine to remain suspended unless and until appellant violates parole.

Johnson, J.

We concur: Lillie, P.J.
 Neal, J.